



## UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/711,241	09/03/2004	John F. Baxter JR.	1135.42

21901  
SMITH & HOPEN PA  
15950 BAY VISTA DRIVE  
SUITE 220  
CLEARWATER, FL 33760

## CONFIRMATION NO. 5240

## FORMALITIES LETTER



\*OC000000013998205\*

Date Mailed: 10/04/2004

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

11/30/2004 TBESHAW1 00000029 10711241

FILED UNDER 37 CFR 1.53(b)

01 FC:2051

65.00 OP

*Filing Date Granted***Items Required To Avoid Abandonment:**

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- A substitute specification in compliance with 37 CFR 1.52, 1.121(b)(3), and 1.125, is required. The specification, claims, or abstract page(s) submitted is not acceptable and cannot be scanned or properly stored because:
  - The line spacing on the specification, claims, or abstract is not 1½ or double spaced (see 37 CFR 1.52(b)).

**SUMMARY OF FEES DUE:**

Total additional fee(s) required for this application is **\$65** for a Small Entity

- **\$65** Late oath or declaration Surcharge.

Replies should be mailed to: Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

*Beevelie*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202  
PART 2 - COPY TO BE RETURNED WITH RESPONSE



smith & hopen, p.a.

Intellectual Property Law Patents Trademarks Copyrights

November 22, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**Applicants:** John F. Baxter  
**Serial No.:** 10/711,241  
**Filed:** 09/03/2004  
**For:** Method of Identifying Media Content Contemporaneously with Broadcast  
**Our Reference No.:** 1135.42

**Art Unit :** 2684  
**Examiner:** Unassigned  
**Confirmation No.:** 5329

Dear Sir:

Enclosed please find the following:

1. Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) – (2 pages);
2. Applicants' executed Combined Declaration and Power of Attorney – (2 pages);
3. Response to Notice to File Missing Parts of Nonprovisional Application – (2 pages);
4. Credit Card Payment Form PTO-2038 for \$65.00, to cover the late oath or declaration surcharge as set forth in 37 C.F.R. 1.16(e) for a small entity in compliance with 37 C.F.R. 1.27; and
5. Self-addressed and postage pre-paid post card to serve as a receipt for items 1-4.

Very respectfully,

**SMITH & HOPEN**

By: Anton J. Hopen  
[anton.hopen@smithhopen.com](mailto:anton.hopen@smithhopen.com)

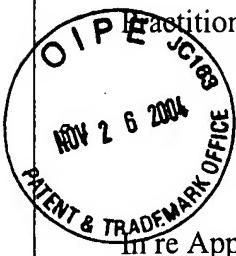
AJH/cm  
Encl.

**CERTIFICATE OF MAILING**  
(37 C.F.R. 1.8)

I HEREBY CERTIFY that this correspondence is being mailed with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on November 22, 2004.

Date: November 22, 2004

Charlene Morgan



Practitioner's Docket No.: 1135.42

**PATENTS**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: John F. Baxter, Jr. )  
Serial No.: 10/711,241 ) Art Unit: 2684  
Filed: 09/03/2004 ) Examiner: Unassigned  
For: METHOD OF IDENTIFYING ) Confirmation No.: 5240  
MEDIA CONTENT  
CONTEMPORANEOUSLY  
WITH BROADCAST

10 Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF**  
**NONPROVISIONAL APPLICATION**

15 (filed under 37 C.F.R. § 1.53(b))

In response to the Notice to File Missing Parts of Non-provisional Application mailed **October 4, 2004**, having a shortened statutory period for response set to expire **December 4, 2004**, applicant responds as follows:

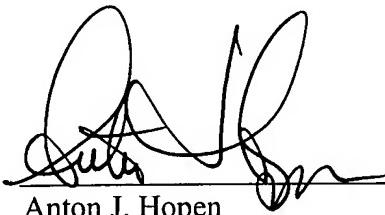
20 **ITEMS REQUIRED TO AVOID ABANDONMENT**

25 Applicant has submitted specification via electronic filing. The line spacing of the specification is dictated according to the software provided to the applicant by the Office. Applicant therefor cannot stipulate the distance between lines on the specification, claims, or abstract.

**CONCLUSION**

It is believed that the above response is completely responsive to the Notice to File Missing  
30 Parts of Non-provisional Application mailed **October 4, 2004**

Very respectfully,

5  
  
10

Anton J. Hopen  
Registration No. 41,849

15 Smith & Hopen, P.A.  
15950 Bay Vista Drive  
Suite 220  
Clearwater, FL 33760  
Our Ref.: 1135.42

20 **CERTIFICATE OF MAILING**  
(37 C.F.R. § 1.8)

I HEREBY CERTIFY that this response is being deposited with the United States Postal Service by First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria,  
25 VA 22313-1450 on November 22, 2003.

  
Charlene Morgan

Mail Stop Missing Parts  
Commissioner for Patents  
P.O. Box 1450  
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